

D/F

Order

The application is:

granted
X denied

UNITED STATES DISTRICT COURT for the Eastern District of New York
referred to Magistrate Judge _____ for
decision

No.: 10-CV-0370 (SJF)(ARL)

report and recommendation

VIRGINIA IANNIELLO,

Plaintiff,

v.

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY; GROUP LONG
TERM DISABILITY PLAN FOR
EMPLOYEES OF AMERICAN
INTERNATIONAL GROUP, INC,

Defendants.

**EX PARTE APPLICATION TO
VACATE FINAL CONFERENCE AND
PRETRIAL CONFERENCE PENDING
RESOLUTION OF CROSS-MOTIONS
FOR SUMMARY JUDGMENT;
DECLARATION OF ROBERT J.
ROSATI; MEMORANDUM OF POINTS
AND AUTHORITIES; [PROPOSED]
ORDER**

11/8/10

TO ALL PARTIES AND their attorneys of record.

Plaintiff Virginia Ianniello hereby applies to the Court ex parte for an order vacating the following dates and requirements: (1) the November 15, 2010, Final Conference scheduled before the Honorable Arlene R. Lindsey; (2) the November 29, 2010, pre-trial conference scheduled before the Honorable Sandra J. Feuerstein; and, (3) the obligation to submit a proposed pre-trial order 15 days before the pre-trial conference as required by Judge Feuerstein's individual rules.

This motion is made on the grounds that good cause exists to vacate these dates and obligations in that each party has served a motion for summary judgment; the motions should be

fully briefed by November 22, 2010; if one or the other of the summary judgment motions is granted the above referenced conferences and filing will be rendered moot and unnecessary; and therefore, good cause and the interests of judicial economy dictate that these conference dates and filing obligation be vacated and rescheduled only if both of the summary judgment motions are denied.

Dated: November 4, 2010

/s/ Robert J. Rosati
ROBERT J. ROSATI, No. 112006
ERISA Law Group LLP
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Fresno, California 93721
Attorney for Plaintiff,
VIRGINIA IANNIELLO
Appearing *Pro hac vice*

DECLARATION OF ROBERT J. ROSATI

1. I, Robert J. Rosati, am the attorney for Plaintiff, Virginia Ianniello in this case. I made this declaration in support of her ex parte application to vacate the November 15, 2010, conference before Judge Lindsey and the November 29, 2010, conference before Judge Feuerstein and the obligation pursuant to Judge Feuerstein's individual rules, to submit a pre-trial statement on or before November 14, 2010.

2. This is an action for ERISA long term disability benefits; the standard of review is for abuse of discretion.

3. Good cause exists to vacate these dates because:

A. Defendants served a Motion for Summary Judgment on November 1, 2010; see Mr. Bernstein's November 1, 2010 transmittal letter, a true and correct copy of which is attached hereto as Exhibit 1.